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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,849	05/31/2000	Marcos N. Novaes	POU9-2000-0008-US1	4360
46369	7590	12/01/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,849

Applicant(s)

NOVAES ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-14, 18-26, and 30-36 is/are rejected.
- 7) ☒ Claim(s) 4-6, 15-17 and 27-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/16/2004 have been fully considered but they are not persuasive. Please see the following reasons and the grounds of rejection below.
2. On page 11, paragraph 2 – page 13, paragraph 2, the applicant argues that the reference to Pitkin fails to teach taking a node address and performing an operation on that node address to locate a network definition. The argument is not persuasive because the independent claim language does not specify what the “operation” on the node address may be. Due to this, any action that takes into account the node address (i.e. locating it in a lookup table) can be considered an operation on the node address. The reference to Pitkin teaches the selection of a service provider based on priority. This service provider is looked up according to its node address, this can be referred to as an operation on the node address. As such, the reference reads on the instant claims.
3. On page 13, paragraph 3, the applicant argues that in the Pitkin reference there is no teach of “performing a logical AND operation on the node address and a subnetwork mask.” The argument is not persuasive because this is not pointed out in the independent claim. The independent claim only states that an unspecified “operation” is performed on the node address, as such, the reference reads on the claim.
4. On page 13, paragraph 5, the applicant argues that the Pitkin reference fails to teach the location of a network priority with the network object. The argument is not

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persuasive because the reference shows that nodes are assessed using their node addresses based on a priority of service providers (column 6, lines 39-42, 61-65). If the most desired service provider is not available, then the next provider is checked. This is all part of the network object that describes the service provider.

Allowable Subject Matter

5. Claims 4-6, 15-17, and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7-14, 18-26, and 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitkin et al. (USPN 5,341,477).

8. Regarding claims 1, 14, 25, and 26, Pitkin et al. (USPN 5,341,477) teach a system for controlling system traffic of a clustered computing environment with means for:

- a. Mapping one or more node addresses, for a service to be provided, to one or more network objects defined for the service wherein the mapping of a node address comprises performing one or more operations on the node address to locate a particular network object of

a plurality of network objects, the particular network object corresponding to the node address and including a network priority assigned to the node address for the service to be provided, the network priority indicating an order of preference for using one network over another network to access the service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27). Note that the client accesses the broker via an address and then an operation is performed to provide a provider server address.

- b. Obtaining from the one or more network objects, one or more network priorities of the service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).
- c. Contacting the service based on the one or more network priorities (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

9. Regarding claims 7, 18, and 30, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for ordering the one or more priorities (column 6, lines 61-65).

10. Regarding claims 8, 19, and 31, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the service comprises a system registry (column 6, lines 39-42).

11. Regarding claims 9, 20, and 32, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means

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wherein a network object of the one or more network objects is associated with one or more subnetworks, and a subnetwork of the one or more subnetworks is associated with one or more nodes having one or more node addresses (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

12. Regarding claims 10, 21, and 33, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means wherein the traffic for the service is restricted to one or more networks specified for that service (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

13. Regarding claims 11, 22, and 34, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 1, 14, and 26, respectively. They further teach means for obtaining the one or more node addresses (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

14. Regarding claims 12, 23, and 35, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 11, 22, and 34. They further teach means wherein the obtaining is dependent on the service to be provided (column 2, lines 42-47; column 3, lines 3-8; column 6, lines 39-42, 61-65; column 10, lines 20-27).

15. Regarding claims 13, 24, and 36, Pitkin et al. (USPN 5,341,477) teach all the limitations as applied to claims 11, 22, and 34, respectively. They further teach means wherein the service comprises a system registry service, and the obtaining comprises obtaining the one or more node addresses from a local configuration (column 6, lines 39-42).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp



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